

# The Patent office of the People's Republic Of China

Address: No. 6 XITUCHENG ROAD, JIMEN BRIDGE, HAI DIAN DISTRICT, BEIJING

Post Code: 100088

Applicant: SAMSUNG ELECTRONICS CO.,LTD.	ISSUING DATE:
Agent: <i>Yali shao</i>	<i>2006.11.24</i>
Application No.: 200310120299.6	
Title: DIGITAL MULTIMEDIA BROADCASTING RECEIVER...	

## THE FIRST OFFICE ACTION

1.  The applicant filed a request for substantive examination on Year \_\_\_\_ Month \_\_\_\_ Day \_\_\_\_ according to Article 35 Paragraph 1 of the Patent Law. The examiner has conducted a substantive examination to the above-mentioned patent application.
- According to Article 35 paragraph 2 of the Patent Law. Chinese Patent office decided on its own initiative to conduct a substantive examination to the above-mentioned patent application.
2.  The applicant requested to take  
 Year 03 Month 8 Day 27 on which an application is filed with the KR patent office as the priority date.  
 Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ on which an application is filed with the \_\_\_\_\_ patent office as the priority date.  
 Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ on which an application is filed with the \_\_\_\_\_ patent office as the priority date.  
 The applicant has submitted the copy of the earliest application document certified by the competent authority of that country.
- According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made.
- This application is a PCT application.
3.  The applicant submitted the amended document(s) on Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ and Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ after examination. \_\_\_\_\_ submitted on Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ is/are not accepted.  
 \_\_\_\_\_ submitted on Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ is/are not accepted  
 because the said amendment(s)  is/are not in conformity with Article 33 of the Patent Law.  
 is/are not in conformity with Rule 51 of the Implementing Regulations..
- The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action.
4.  The examination has been conducted based on the application text as originally filed.  
 The examination has been conducted based on the following text(s):  
 page(s) \_\_\_\_\_ of the specification, Claim(s) \_\_\_\_\_, and figure(s) \_\_\_\_\_ in the original text of the application submitted on the filing day.  
 page(s) \_\_\_\_\_ of the specification, claim(s) \_\_\_\_\_, and figure(s) \_\_\_\_\_ submitted on Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_  
 page(s) \_\_\_\_\_ of the specification, claim(s) \_\_\_\_\_, and figure(s) \_\_\_\_\_ submitted on Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_
5.  This notification was made without undergoing search.  
 This notification was made with undergoing search.  
 The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination procedure hereafter)

NO.	Reference No. or Title	Publishing Date
1	<i>EP130 4871A2</i>	<i>2003.4.23</i>
2		
3		
4		
5		

6. Concluding comments

- on the specification:
- The contents of the application are in contrary to Article 5 of the Patent Law and therefore are not patentable.
  - The contents of the application do not possess the practical applicability as prescribed in Paragraph 4 of Article 5 of the Patent Law.
  - The specification is not in conformity with the provision of Paragraph 3 of Article 26 of the Patent Law.
  - The presentation of the specification is not in conformity with the provision of Rule 18 of the Implementing Regulations.
- on the claims:
- Claim(s) \_\_\_\_\_ belong(s) to non-patentable subject matter as prescribed in Article 25 of the Patent law.
  - Claim(s) \_\_\_\_\_ do(es) not comply with the definition of a patent as provided in Rule 2 paragraph 1 of the Implementing Regulations.
  - Claim(s) 14, 6, 7, 9-12 do(es) not possess novelty as requested by Article 22 paragraph 2 of the Patent Law.
  - Claim(s) 5, 8, 13-24 do(es) not possess inventiveness as requested by Article 22 paragraph 3 of the Patent Law.
  - Claim(s) \_\_\_\_\_ do(es) not possess practical applicability as requested by Article 22 paragraph 4 of the Patent Law.
  - Claim(s) \_\_\_\_\_ do(es) not comply with the provision of Article 26 paragraph 4 of the Patent Law.
  - Claim(s) \_\_\_\_\_ do(es) not comply with the provision of Article 31 paragraph 1 of the Patent Law.
  - Claim(s) \_\_\_\_\_ do(es) not comply with provision of Rule 20 of the Implementing Regulations.
  - Claim(s) \_\_\_\_\_ do(es) not comply with provision of Rule 21 of the Implementing Regulations.
  - Claim(s) \_\_\_\_\_ do(es) not comply with provision of Rule 22 of the Implementing Regulations.
  - Claim(s) \_\_\_\_\_ do(es) not comply with provision of Rule 23 of the Implementing Regulations.
  - Claim(s) \_\_\_\_\_ do(es) not comply with the provision of Article 9 of the Patent Law.
  - Claim(s) \_\_\_\_\_ do(es) not comply with the provision of Rule 13 paragraph 1 of the Implementing Regulations.

The detailed analysis for the above concluding comments is presented on the text of this Office Action.

7. Based on the above concluding comments, the examiner is of the opinion that

- The applicant should amend the application document(s) in accordance with the requirement as specified in the Office Action.
- The applicant should, in his observation, expound the patentability of the application of the application, amend the defects pointed out in the Office Action; or the application can hardly be approved.
- The examined deems that the application lacks substantive features to make it patentable. Therefore, the application will be rejected if no convincing reasons are provided to prove its patentability.

8. The applicant should pay attention to the following matters:

- (1) According to Article 37 of the Patent Law, the applicant is required to submit his observations within Four months upon receipt of this Office Action. If the time limit for making response is not met without any justified reason, the application to have been withdraw.
- (2) The amendment(s) made by the applicant must meet the requirements of Article 33 of the Patent Law. The amended text should be in duplicate, its format should conform to the related confinement in the Guidance for Examination.
- (3) The applicant and/or the agent should not go to the Chinese Patent Office to interview the examiner without being invited.
- (4) The observation and/of the amended document(s) must be mailed or delivered to the Receiving Section of the Chinese Patent Office. No legal effect shall apply for any document(s) that not mailed to or reached the Receiving Section.

9. The text of this Office Action contains 7 page(s), and has the following attachment(s):

1 copies of the cited references, all together 40 pages.



Examination Dept. No. \_\_\_\_\_ Examiner \_\_\_\_\_ Seal of Examination Dept. for business only \_\_\_\_\_

(if the Office Action wasn't stamped by the specified seal, it has no legal effect)

**TEXT OF THE FIRST OFFICE ACTION**

The present application relates to a device and method for providing digital multimedia services in a digital multimedia broadcasting receiver having a conditional access function. According to the examination, the opinions are now provided as follows:

1. The technical solution sought for protection in the Claim 1 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China. Reference 1 (EP1304871A2) discloses a digital receiver, with the following technical features "comprising a tuner 2016, a demodulator 2012 for receiving and demodulating signals from satellite before being filtered and demultiplexed, said signals including encrypted EMMs, ECMs and compressed programs; a demultiplexer 2010 for filtering and demultiplexing signals output from the demodulator; the demultiplexer including two physical demultiplexers, each capable of being set to demultiplex up signals received from a distinct source; a conditional access unit for supplying the necessary control word to the demultiplexer to enable the encrypted broadcast signal to be descrambled; data decoder 2024, audio decoder 2026, video decoder 2028 for decoding the descrambled signals output from the demultiplexer" (refer to lines 5 through 54 of column 17, line 54 of column 30 to line 22 of column 32 in the specification; Figure 4). Thus, it can be seen that the circuit module consisting of the tuner and the demodulator in the Reference 1 is equivalent to the receiving section in the present invention; the demultiplexer comprising two physical demultiplexers capable of demultiplexing up signals received from a distinct source is equivalent to first demultiplexer and second demultiplexer in the present invention, and the ECM and ECM information are equivalent to the conditional access information in the present invention.

To sum up, the only difference between the technical solution sought for protection in the Claim 1 and the technical solution disclosed in the Reference 1 lies in expressions; however, their technical solutions are substantially identical to each other. Moreover, the two belong to the same technical field and produce the same technical effect. Therefore, the technical solution sought for protection in the Claim 1 does not possess novelty.

2. The dependent Claim 2 makes further limitation to the Claim 1, and its additional technical features in the characterizing portion have already been disclosed by "subscription smartcard 2062 engages with a conditional access unit" and "the daughter smartcard controls whether the user has the right to decrypt the ECM and to access the program; if the user does have the rights, the ECM is decrypted and then control word is extracted" in the Reference 1 (refer to lines 20 through 24 of column 15, lines 20 through 35 of column 17 in the specification; Figure 4). The said control word is equivalent to the scrambling key defined in the present invention. Since the

Claim 1 does not possess novelty, the technical solution sought for protection in the dependent Claim 2 that refers to the Claim 1 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China.

3. The dependent Claim 3 makes further limitation to the Claim 1, and its additional technical features in the characterizing portion have already been disclosed by "the multiplexer 1030 receives electrical signals comprising encrypted EMMs, encrypted ECMs" in the Reference 1 (refer to lines 18 through 34 of column 16 in the specification). Since the Claim 1 does not possess novelty, the technical solution sought for protection in the dependent Claim 3 that refers to the Claim 1 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China.

4. The dependent Claim 4 makes further limitation to the Claim 2, and its additional technical features in the characterizing portion have already been disclosed by "the daughter smartcard controls whether the user has the right to decrypt the ECM and to access the program; if the user does have the rights, the ECM is decrypted and then control word is extracted" and "a conditional access unit for supplying the necessary control word to the demultiplexer to enable the encrypted broadcast signal to be descrambled" (refer to lines 20 through 24 of column 15, lines 18 through 35 of column 17 in the specification). Since the Claim 2 does not possess novelty, the technical solution sought for protection in the dependent Claim 4 that refers to the Claim 2 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China.

5. The additional technical features in the characterizing portion of the dependent Claim 5 define common knowledge in the art. Utilizing a multimedia module to supply a receiver with multimedia digital signal as a signal source belongs to conventional means in the art. Accordingly, obtaining the technical solution sought for protection in the Claim 5 on the basis of the Reference 1 combined with the common knowledge in the art is obvious to those skilled in the art. Since the Claim 1 does not possess novelty, the dependent Claim 5 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

6. The additional technical features in the characterizing portion of the dependent Claim 6 have already been disclosed in the Reference 1. The Reference 1 discloses having a video decoder and an audio decoder, i.e. the digital signals to be processed include audio data and video data. Since the Claim 1 does not possess novelty, the dependent Claim 6 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China.

7. The dependent Claim 7 is subordinate to the Claim 6, and its additional technical features in the characterizing portion have already been disclosed by Figure 4 in the Reference 1. As shown in Figure 4, signals output from the demultiplexer are respectively transmitted to the audio decoder and video decoder, and the audio

decoder and video decoder are respectively used for decoding audio signals and video signals, i.e. the demultiplexer separates audio signals and video signals from the input signals. Since the Claim 6 does not possess novelty, the dependent Claim 7 that refers to the Claim 6 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China.

8. The additional technical features in the characterizing portion of the dependent Claim 8 define common knowledge in the art. It is conventional technical means that a composite part in the receiver, such as broadcast receiving module or decoder module, is formed in a single integrated circuit module. Accordingly, obtaining the technical solution sought for protection in the Claim 8 on the basis of the Reference 1 combined with the common knowledge in the art is obvious to those skilled in the art. Since the Claim 1 does not possess novelty, the dependent Claim 8 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

9. The technical solution sought for protection in the Claim 9 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China. The Reference 1 (EP1304871A2) discloses a digital receiver, with the following technical features "comprising a tuner 2016, a demodulator 2012 for receiving and demodulating signals from satellite before being filtered and demultiplexed, said signals including encrypted EMMs, ECMs and compressed programs; a demultiplexer 2010 for filtering and demultiplexing signals output from the demodulator; the demultiplexer including two physical demultiplexers, each capable of being set to demultiplex up signals received from a distinct source; a conditional access unit for supplying the necessary control word to the demultiplexer to enable the encrypted broadcast signal to be descrambled; data decoder 2024, audio decoder 2026, video decoder 2028 for decoding the descrambled signals output from the demultiplexer" (refer to lines 5 through 54 of column 17, line 54 of column 30 to line 22 of column 32 in the specification; Figure 4). Thus, it can be seen that the circuit module consisting of the tuner and the demodulator in the Reference 1 is equivalent to the receiving section in the present invention; the demultiplexer comprising two physical demultiplexers capable of demultiplexing up signals received from a distinct source is equivalent to first demultiplexer and second demultiplexer in the present invention, and the ECM and ECM information are equivalent to the conditional access information in the present invention; the audio decoder and video decoder are respectively used for decoding audio signals and video signals, i.e. the demultiplexer separates audio signals and video signals from the input signals and outputs them.

To sum up, the only difference between the technical solution sought for protection in the Claim 1 and the technical solution disclosed in the Reference 1 lies in expressions; however, their technical solutions are substantially identical to each other. Moreover, the two belong to the same technical field and produce the same technical effect. Therefore, the technical solution sought for protection in the Claim 1 does not possess novelty.

10. The dependent Claim 10 makes further limitation to the Claim 9, and its additional technical features in the characterizing portion have already been disclosed by "subscription smartcard 2062 engages with a conditional access unit" and "the daughter smartcard controls whether the user has the right to decrypt the ECM and to access the program; if the user does have the rights, the ECM is decrypted and then control word is extracted" in the Reference 1 (refer to lines 20 through 24 of column 15, lines 20 through 35 of column 17 in the specification; Figure 4). The said control word is equivalent to the scrambling key defined in the present invention. Since the Claim 9 does not possess novelty, the technical solution sought for protection in the dependent Claim 10 that refers to the Claim 9 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China.

11. The dependent Claim 11 makes further limitation to the Claim 9, and its additional technical features in the characterizing portion have already been disclosed by "the multiplexer 1030 receives electrical signals comprising encrypted EMMs, encrypted ECMS" in the Reference 1 (refer to lines 18 through 34 of column 16 in the specification). Since the Claim 9 does not possess novelty, the technical solution sought for protection in the dependent Claim 11 that refers to the Claim 9 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China.

12. The dependent Claim 12 makes further limitation to the Claim 10, and its additional technical features in the characterizing portion have already been disclosed by "the daughter smartcard controls whether the user has the right to decrypt the ECM and to access the program; if the user does have the rights, the ECM is decrypted and then control word is extracted" and "a conditional access unit for supplying the necessary control word to the demultiplexer to enable the encrypted broadcast signal to be descrambled" (refer to lines 20 through 24 of column 15, lines 18 through 35 of column 17 in the specification). Since the Claim 10 does not possess novelty, the technical solution sought for protection in the dependent Claim 12 that refers to the Claim 10 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China.

13. The additional technical features in the characterizing portion of the dependent Claim 13 define common knowledge in the art. Utilizing a multimedia module to supply a receiver with multimedia digital signal as a signal source belongs to conventional means in the art. Accordingly, obtaining the technical solution sought for protection in the Claim 13 on the basis of the Reference 1 combined with the common knowledge in the art is obvious to those skilled in the art. Since the Claim 9 does not possess novelty, the dependent Claim 13 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

14. The additional technical features in the characterizing portion of the dependent Claim 14 define common knowledge in the art. It is conventional technical means that a composite part in the receiver, such as broadcast receiving module or decoder

module, is formed in a single integrated circuit module. Accordingly, obtaining the technical solution sought for protection in the Claim 14 on the basis of the Reference 1 combined with the common knowledge in the art is obvious to those skilled in the art. Since the Claim 9 does not possess novelty, the dependent Claim 14 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

15. The technical solution sought for protection in the Claim 15 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China. The Reference 1 (EP1304871A2) discloses a device for processing digital data, with the following technical features "comprising a tuner 2016, a demodulator 2012 for receiving and demodulating signals from satellite before being filtered and demultiplexed, said signals including encrypted EMMs, ECMs and compressed programs; a demultiplexer 2010 for filtering and demultiplexing signals output from the demodulator; a conditional access unit for supplying the necessary control word to the demultiplexer to enable the encrypted broadcast signal to be descrambled" (refer to lines 5 through 54 of column 17 in the specification; Figure 4). Thus, it can be seen that the circuit module consisting of the tuner and the demodulator in the Reference 1 is equivalent to the receiving section in the present invention; and the ECM and ECM information are equivalent to the conditional access information in the present invention. Compared with the contents disclosed in the Reference 1, the technical solution sought for protection in the Claim 15 differs in "an error correcting section for correcting any error in said demodulated digital broadcasting data stream". However, such difference defines common knowledge in the art. Providing an error section at the front end of the receiver to correct the received signals can be achieved by conventional technical means in the art. Accordingly, obtaining the technical solution sought for protection in the Claim 15 on the basis of the Reference 1 combined with the aforesaid common knowledge is obvious to those skilled in the art. Therefore, the Claim 15 does not possess prominent substantive features or represent a notable progress, and thus does not possess inventiveness.

16. The dependent Claim 16 makes further limitation to the Claim 15, and its additional technical features in the characterizing portion have already been disclosed by "the multiplexer 1030 receives electrical signals comprising encrypted EMMs, encrypted ECMs" in the Reference 1 (refer to lines 18 through 34 of column 16 in the specification). Since the Claim 15 does not possess inventiveness, the technical solution sought for protection in the dependent Claim 16 that refers to the Claim 15 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

17. The dependent Claim 17 makes further limitation to the Claim 15, and its additional technical features in the characterizing portion have already been disclosed by "subscription smartcard 2062 engages with a conditional access unit" and "the daughter smartcard controls whether the user has the right to decrypt the ECM and to

access the program; if the user does have the rights, the ECM is decrypted and then control word is extracted" in the Reference 1 (refer to lines 20 through 24 of column 15, lines 20 through 35 of column 17 in the specification; Figure 4). The said control word is equivalent to the scrambling key defined in the present invention. The Reference 1 has disclosed smart cards capable of signal exchanging with other devices in the system; thus, there must be a smart card interface. Since the Claim 15 does not possess inventiveness, the technical solution sought for protection in the dependent Claim 17 that refers to the Claim 15 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

18. The dependent Claim 18 makes further limitation to the Claim 17, and its additional technical features in the characterizing portion have already been disclosed by "the daughter smartcard controls whether the user has the right to decrypt the ECM and to access the program; if the user does have the rights, the ECM is decrypted and then control word is extracted" and "a conditional access unit for supplying the necessary control word to the demultiplexer to enable the encrypted broadcast signal to be descrambled" (refer to lines 20 through 24 of column 15, lines 18 through 35 of column 17 in the specification). Since the Claim 17 does not possess inventiveness, the technical solution sought for protection in the dependent Claim 18 that refers to the Claim 17 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

19. The dependent Claim 19 makes further limitation to the Claim 15. The Reference 1 discloses "comprising data decoder 2024, audio decoder 2026, video decoder 2028 for decoding the descrambled signals output from the demultiplexer" (refer to lines 37 through 54 of column 17 in the specification; Figure 4). The Reference 1 has already disclosed decoders for receiving signals from the demultiplexer; thus, there must be a decoder module interface, which effects the same function of connecting the decoder with a device, with which the decoder exchanges signals in the system as that in the present invention. Since the Claim 15 does not possess inventiveness, the dependent Claim 19 that refers to the Claim 15 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

20. The additional technical features in the characterizing portion of the dependent Claim 20 define common knowledge in the art. It is conventional technical means that a composite part in the receiver, such as broadcast receiving module or decoder module, is formed in a single integrated circuit module. Accordingly, obtaining the technical solution sought for protection in the Claim 20 on the basis of the Reference 1 combined with the common knowledge in the art is obvious to those skilled in the art. Since the Claim 15 does not possess inventiveness, the dependent Claim 20 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

21. The technical solution sought for protection in the Claim 21 does not possess

inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China. The Reference 1 (EP1304871A2) discloses a method for processing data signals in a digital receiver, with the following technical features "a tuner 2016, a demodulator 2012 receives and demodulates signals from satellite before being filtered and demultiplexed, said signals including encrypted EMMs, ECMs and compressed programs; demultiplexer 2010 filters and demultiplexes signals output from the demodulator, the demultiplexer including two physical demultiplexers, each capable of being set to demultiplex up signals received from a distinct source; a conditional access unit supplies the necessary control word to the demultiplexer to enable the encrypted broadcast signal to be descrambled; data decoder 2024, audio decoder 2026, video decoder 2028 decodes the descrambled signals output from the demultiplexer" (refer to lines 5 through 54 of column 17, line 54 of column 30 to line 22 of column 32 in the specification; Figure 4). The ECM and ECM information are equivalent to the conditional access information in the present invention; the audio decoder and video decoder are respectively used for decoding audio signals and video signals, i.e. digital signals to be processed include audio data and video data. Compared with the contents disclosed in the Reference 1, the technical solution sought for protection in the Claim 21 only differs in that the decoder module demultiplexes said digital multimedia data stream to separate said audio data and said video data, whereas in the Reference 1, the demultiplexer demultiplexes the audio data and the video data. However, such difference defines common knowledge in the art. Demultiplexing a multiplex signal necessarily needs a demultiplexer. In the present invention, only providing a demultiplexer on the decoder module to fulfill the demultiplexing function makes no substantial difference from demultiplexing ordinary digital data, audio data and video data at a demultiplexer which includes two or more physical demultiplexers. It is a direct substitution of conventional technical means. Accordingly, obtaining the technical solution sought for protection in the Claim 21 on the basis of the contents disclosed in the Reference 1 combined with the common knowledge is obvious to those skilled in the art. Therefore, the Claim 21 does not possess prominent substantive features or represent a notable progress, and thus does not possess inventiveness.

22. The additional technical features in the characterizing portion of the dependent Claim 22 define common knowledge in the art. It is conventional technical means that in a digital broadcasting system, such as a digital television system, the user makes a request for receiving digital broadcast by switching on a remote or a switch, and after receiving the aforesaid request, the receiving module is driven, and then the digital broadcasting data are received. Accordingly, obtaining the technical solution sought for protection in the Claim 22 on the basis of the contents disclosed in the Reference 1 combined with the common knowledge is obvious to those skilled in the art. Since the Claim 21 does not possess inventiveness, the dependent Claim 22 that refers to the Claim 21 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

23. The dependent Claim 23 makes further limitation to the Claim 21, and its

additional technical features in the characterizing portion have already been disclosed by "the multiplexer 1030 receives electrical signals comprising encrypted EMMs, encrypted ECMs and compressed programs" in the Reference 1 (refer to lines 18 through 34 of column 16 in the specification). Since the Claim 21 does not possess inventiveness, the technical solution sought for protection in the dependent Claim 23 that refers to the Claim 21 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

24. The additional technical features in the characterizing portion of the dependent Claim 24 have already been disclosed by "signals comprise encrypted EMMs, encrypted ECMs", "subscription smartcard 2062 engages with a conditional access unit", "the daughter smartcard controls whether the user has the right to decrypt the ECM and to access the program; if the user does have the rights, the ECM is decrypted and then control word is extracted" and "the control word is supplied to the demultiplexer to enable the encrypted broadcast signal to be descrambled" (refer to lines 20 through 24 of column 15, lines 18 through 34 of column 16, and lines 18 through 35 of column 17 in the specification). Also, these features in the Reference 1 effect the same function of supplying information for generating a scrambling signal to a smart card and then using the scrambling signal to decode the demultiplexed digital signal as that in the present invention. Since the Claim 21 does not possess inventiveness, the technical solution sought for protection in the dependent Claim 24 that refers to the Claim 21 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

Based on the above reasons, the present application can not be granted the right of patent. If the applicant can not state ample reasons indicating novelty and inventiveness of the present application within four months, the present application shall be rejected. Any amendment shall not go beyond the scope of the disclosure contained in the initial specification and claims so as to comply with the provision of Article 33 of the Patent Law of China. And the applicant should submit the amendment draft and replacement sheet, and ensure the consistency of the two parts mentioned above.



中华 人 民 共 和 国 国 家 知 识 产 权 局

14Y50010

邮政编码: 100101 北京市朝阳区北辰东路 8 号汇宾大厦 A0601 北京市柳沈律师事务所 马莹,邵亚丽	发文日期 
申请号: 2003101202996 	
申请人: 三星电子株式会社	
发明创造名称: 数字多媒体广播接收机和用于再现数字多媒体数据的方法	

### 第一次审查意见通知书

1.  应申请人提出的实审请求,根据专利法第 35 条第 1 款的规定,国家知识产权局对上述发明专利申请进行实质审查。

根据专利法第 35 条第 2 款的规定,国家知识产权局决定自行对上述发明专利申请进行审查。

2.  申请人要求以其在:

KR 专利局的申请日 2003 年 08 月 27 日为优先权日,  
 专利局的申请日 年 月 日为优先权日,  
 专利局的申请日 年 月 日为优先权日,  
 专利局的申请日 年 月 日为优先权日,  
 专利局的申请日 年 月 日为优先权日。

申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本,根据专利法第 30 条的规定视为未提出优先权要求。

3.  经审查,申请人于:

年 月 日提交的 不符合实施细则第 51 条的规定;  
 年 月 日提交的 不符合专利法第 33 条的规定;  
 年 月 日提交的

4. 审查针对的申请文件:

原始申请文件。  审查是针对下述申请文件的

申请日提交的原始申请文件的权利要求第 项、说明书第 页、附图第 页;

年 月 日提交的权利要求第 项、说明书第 页、附图第 页;

年 月 日提交的权利要求第 项、说明书第 页、附图第 页;

年 月 日提交的权利要求第 项、说明书第 页、附图第 页;

年 月 日提交的说明书摘要, 年 月 日提交的摘要附图。

5.  本通知书是在未进行检索的情况下作出的。

本通知书是在进行了检索的情况下作出的。

本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号 文件号或名称 公开日期(或抵触申请的申请日)  
 1 EP1304871A2 2003 年 4 月 23 日

6. 审查的结论性意见:

关于说明书:

申请的内容属于专利法第 5 条规定的不授予专利权的范围。

说明书不符合专利法第 26 条第 3 款的规定。



申请号 2003101202996

- 说明书不符合专利法第33条的规定。  
说明书的撰写不符合实施细则第18条的规定。  
  
关于权利要求书：  
权利要求1-4, 6, 7, 9-12不具备专利法第22条第2款规定的新颖性。  
权利要求5, 8, 13-24不具备专利法第22条第3款规定的创造性。  
权利要求\_\_\_\_\_不具备专利法第22条第4款规定的实用性。  
权利要求\_\_\_\_\_属于专利法第25条规定而不授予专利权的范围。  
权利要求\_\_\_\_\_不符合专利法第26条第4款的规定。  
权利要求\_\_\_\_\_不符合专利法第31条第1款的规定。  
权利要求\_\_\_\_\_不符合专利法第33条的规定。  
权利要求\_\_\_\_\_不符合专利法实施细则第2条第1款关于发明的定义。  
权利要求\_\_\_\_\_不符合专利法实施细则第13条第1款的规定。  
权利要求\_\_\_\_\_不符合专利法实施细则第20条的规定。  
权利要求\_\_\_\_\_不符合专利法实施细则第21条的规定。  
权利要求\_\_\_\_\_不符合专利法实施细则第22条的规定。  
权利要求\_\_\_\_\_不符合专利法实施细则第23条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见，审查员认为：

- 申请人应按照通知书正文部分提出的要求，对申请文件进行修改。  
申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由，并对通知书正文部分中指出的不符合规定之处进行修改，否则将不能授予专利权。  
专利申请中没有可以被授予专利权的实质性内容，如果申请人没有陈述理由或者陈述理由不充分，其申请将被驳回。

8. 申请人应注意下述事项：

- (1) 根据专利法第37条的规定，申请人应在收到本通知书之日起的肆个月内陈述意见，如果申请人无正当理由逾期不答复，其申请将被视为撤回。  
(2) 申请人对其申请的修改应符合专利法第33条的规定，修改文本应一式两份，其格式应符合审查指南的有关规定。  
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处，凡未邮寄或递交给受理处的文件不具备法律效力。  
(4) 未经预约，申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 7 页，并附有下述附件：  
引用的对比文件的复印件共 1 份 40 页。

审查员：高胜凯(3323)

2006年10月30日

审查部门 通信审查部

21301  
2002.8



回函请寄：100088 北京市海淀区蓟门桥西土城路6号 国家知识产权局专利局受理处收  
(注：凡寄给审查员个人的信函不具有法律效力)

## 第一次审查意见通知书正文

申请号：2003101202996

本申请涉及一种用于在具有有条件接入功能的数字多媒体广播接收机中提供数字多媒体业务的设备的方法，经审查，现提出如下的审查意见。

1. 权利要求1所要求保护的技术方案不具备专利法第二十二条第二款规定的新颖性。对比文件1 (EP1304871A2) 公开了一种数字接收机，并具体公开了以下技术特征“包括调谐器2016、调制解调器2012，用于在进行滤波和多路分解前接收和解调来自卫星的信号，所述信号包括加密的EMM、ECM和压缩的节目；多路分离器2010，用于对调制解调器输出的信号进行滤波和多路分离；该多路分离器包括两个物理多路分离器，每一个都能够设置成对从不同信源接收的信号进行多路分离；条件访问单元，向多路分离器提供必要的控制字，使加密的广播信号能够被解扰；数字解码器2024、音频解码器2026、视频解码器2028，对从多路分离器输出的解扰后的信号进行解码”（参见该对比文件的说明书第17栏第5行至第54行，第30栏第54行至第32栏第22行，附图4）。可见，对比文件1中的调谐器与调制解调器组成的电路模块相当于本发明中所述的接收部分；包括两个物理多路分离器的多路分离器可以对从不同的信源接收的信号进行多路分离，相当于本发明中的第一多路分解器和第二多路分解器；ECM和ECM信息相当于本发明中所述的有条件接入信息。

综上所述，该权利要求所要求保护的技术方案与该对比文件所公开的内容相比，所不同的仅仅是文字表达方式上略有差别，其技术方案实质上是相同的，且两者属于相同的技术领域，并能产生相同的技术效果，因此该权利要求所要求保护的技术方案不具备新颖性。

2. 从属权利要求2对权利要求1作了进一步的限定，其限定部分的附加技术特征同样已被对比文件1中所述的“备有用户智能卡2062与条件访问单元耦合”和“子智能卡控制用户是否有权解密ECM和访问节目，若用户有权，则对ECM解密，并提取控制字”公开了（参见该对比文件的说明书第15栏第20行至第24行，第17栏第20行至第35行，附图4），所述控制字就相当于本发明中所述的扰频密钥，因此当其引用的权利要求1不具备新颖性时，该从属权利要求所要求保护的技术方案也不具备专利法第二十二条第二款所规定的新颖性。

3. 从属权利要求3对权利要求1作了进一步的限定，其限定部分的附加技术特征同样已被对比文件1中所述的“多路复用器1030接收电信号，所述电信号包括加密的EMM、ECM”公开（参见该对比文件的说明书第16栏第18行至第34行），因此在其引用的权利要求1不具备新颖性时，

该从属权利要求所要求保护的技术方案也不具备专利法第二十二条第二款所规定的新颖性。

4. 权利要求4对权利要求2作了进一步的限定，其限定部分的附加技术特征同样已被对比文件1中所述的“子智能卡控制用户是否有权解密ECM和访问节目，若用户有权，则对ECM解密，并提取控制字”和“条件访问单元，向多路分离器提供必要的控制字，使加密的广播信号能够被解扰”公开（参见该对比文件的说明书第15栏第20行至第24行，第17栏第18行至第35行），因此在其引用的权利要求2不具备新颖性时，该从属权利要求所要求保护的技术方案也不具备专利法第二十二条第二款所规定的新颖性。

5. 从属权利要求5的限定部分的附加技术特征是所述技术领域中的公知常识，使用一多媒体模块对一个接收机提供多媒体数字信号以作为信号源，这是本领域的惯用手段，在对比文件1公开的内容的基础上结合该公知常识以得到该权利要求所要保护的技术方案，对本领域的技术人员来说是显而易见的，在其引用的权利要求1不具备新颖性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

6. 从属要求6的限定部分的附加技术特征已被对比文件1公开了，该对比文件公开了具有视频解码器和音频解码器，也就是说，其进行处理的数字信号内包括音频数据和视频数据，因此在其引用的权利要求1不具备新颖性的情况下，该从属权利要求也不具备专利法第二十二条第二款规定的新颖性。

7. 从属权利要求7是权利要求6的从属权利要求，其限定部分附加技术特征也已被对比文件1附图4公开的内容相应地公开，该附图内容显示，从多路分离器中输出的信号被分别发送到音频解码器和视频解码器，而音频解码器和视频解码器是分别用来对音频信号和视频信号进行解码的，也就是说多路分离器将输入信号分离为音频信号和视频信号并输出。因此在其引用的权利要求6不具备新颖性的情况下，该从属权利要求也不具备专利法第二十二条第二款规定的新颖性。

8. 从属权利要求8的限定部分的附加技术特征是所述技术领域中的公知常识，通过单一的集成电路模块来构成接收机中的部件，例如广播接收模块或解码器模块，是本领域的惯用手段，在对比文件1公开的内容的基础上结合该公知常识以得到该权利要求所要保护的技术方案，对本领域的技术人员来说是显而易见的，在其引用的权利要求1不具备新颖性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

9. 权利要求9所要求保护的技术方案不具备专利法第二十二条第二款规定的新颖性。对比文件1 (EP1304871A2) 公开了一种数字接收机，并具体公开了以下技术特征“包括调谐器2016，

调制解调器2012，用于在进行滤波和多路分解前接收和解调来自卫星的信号，所述信号包括加密的EMM、ECM和压缩的节目；多路分离器2010，用于对调制解调器输出的信号进行滤波和多路分离；该多路分离器包括两个物理多路分离器，每一个都能够设置成对从不同信源接收的信号进行多路分离；条件访问单元，向多路分离器提供必要的控制字，使加密的广播信号能够被解扰；数字解码器2024、音频解码器2026，视频解码器2028，对从多路分离器输出的解扰后的信号进行解码”（参见该对比文件的说明书第17栏第5行至第54行，第30栏第54行至第32栏第22行，附图4）。可见，对比文件1中的调谐器与调制解调器组成的电路模块相当于本发明中所述的接收部分：包括两个物理多路分离器的多路分离器可以对从不同的信源接收的信号进行多路分离，相当于本发明中的第一多路分解器和第二多路分解器；ECM和ECM信息相当于本发明中所述的有条件接入信息；音频解码器和视频解码器是分别用来对音频信号和视频信号进行解码的，也就是说多路分离器将输入信号分离为音频信号和视频信号并输出。

综上所述，该权利要求所要求保护的技术方案与该对比文件所公开的内容相比，所不同的仅仅是文字表达方式上略有差别，其技术方案实质上是相同的，且两者属于相同的技术领域，并能产生相同的技术效果，因此该权利要求所要求保护的技术方案不具备新颖性。

10. 从属权利要求10对权利要求9作了进一步的限定，其限定部分的附加技术特征同样已被对比文件1中所述的“备有用户智能卡2062与条件访问单元耦合”和“子智能卡控制用户是否有权解密ECM和访问节目，若用户有权，则对ECM解密，并提取控制字”公开了（参见该对比文件的说明书第15栏第20行至第24行，第17栏第20行至第35行，附图4），所述控制字就相当于本发明中所述的扰频密钥，因此当其引用的权利要求9不具备新颖性时，该从属权利要求所要求保护的技术方案也不具备专利法第二十二条第二款所规定的新颖性。

11. 从属权利要求11对权利要求9作了进一步的限定，其限定部分的附加技术特征同样已被对比文件1中所述的“多路复用器1030接收电信号，所述电信号包括加密的EMM、ECM”公开（参见该对比文件的说明书第16栏第18行至第34行），因此在其引用的权利要求9不具备新颖性时，该从属权利要求所要求保护的技术方案也不具备专利法第二十二条第二款所规定的新颖性。

12. 权利要求12对权利要求10作了进一步的限定，其限定部分的附加技术特征同样已被对比文件1中所述的“子智能卡控制用户是否有权解密ECM和访问节目，若用户有权，则对ECM解密，并提取控制字”和“条件访问单元，向多路分离器提供必要的控制字，使加密的广播信号能够被解扰”公开（参见该对比文件的说明书第15栏第20行至第24行，第17栏第18行至第35行），因此在其引用的权利要求10不具备新颖性时，该从属权利要求所要求保护的技术方案也不具备专利法第二十二条第二款所规定的新颖性。

13. 从属权利要求13的限定部分的附加技术特征是所述技术领域中的公知常识，使用一多媒体模块对一个接收机提供多媒体数字信号以作为信号源，这是本领域的惯用手段，在对比文件1公开的内容的基础上结合该公知常识以得到该权利要求所要保护的技术方案，对本领域的技术人员来说是显而易见的，在其引用的权利要求9不具备新颖性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

14. 从属权利要求14的限定部分的附加技术特征是所述技术领域中的公知常识，通过单一的集成电路模块来构成接收机中的部件，例如广播接收模块或解码器模块，是本领域的惯用手段，在对比文件1公开的内容的基础上结合该公知常识以得到该权利要求所要保护的技术方案，对本领域的技术人员来说是显而易见的，在其引用的权利要求9不具备新颖性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

15. 权利要求15所要求保护的技术方案不具备专利法第二十二条第三款规定的创造性。对比文件1 (EP1304871A2) 公开了一种数字数据处理设备，并具体公开了以下技术特征“包括调谐器2016、调制解调器2012，用于在进行滤波和多路分解前接收和解调来自卫星的信号，所述信号包括加密的EMM、ECM和压缩的节目；多路分离器2010，用于对调制解调器输出的信号进行滤波和多路分离；条件访问单元，向多路分离器提供必要的控制字，使加密的广播信号能够被解扰”（参见该对比文件的说明书第17栏第5行至第54行，附图1）。可见，对比文件1中的调谐器与调制解调器组成的电路模块相当于本发明中所述的接收部分；EMM和ECM信息相当于本发明中所述的有条件接入信息。该权利要求所要求保护的技术方案与该对比文件公开的内容相比，其区别仅在于“纠错部分，用于纠正在所述解调的数字广播数据流中的任何错误”。然而这种区别是本领域的公知常识，在接收机前端设置纠错部分，以对接收的数据信号进行纠错，这是本领域的惯用手段，在对比文件1的基础上结合上述公知常识以获得该权利要求所要求保护的技术方案，对本领域技术人员来说是显而易见的。因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备创造性。

16. 从属权利要求16对权利要求15作了进一步的限定，其限定部分的附加技术特征同样已被对比文件1中所述的“多路复用器1030接收电信号，所述电信号包括加密的EMM、ECM”公开（参见该对比文件的说明书第16栏第18行至第31行），因此在其引用的权利要求15不具备创造性时，该从属权利要求所要求保护的技术方案也不具备专利法第二十二条第三款所规定的创造性。

17. 从属权利要求17对权利要求15作了进一步的限定，其限定部分的附加技术特征同样已被对比文件1中所述的“各有用户智能卡2062与条件访问单元耦合”和“子智能卡控制用户是否有权解密ECM和访问节目，若用户有权，则对ECM解密，并提取控制字”公开了（参见该对比文件的说明书第15栏第20行至第24行，第17栏第20行至第35行，附图1），所述控制字就相当于本

发明中所述的扰频密钥，该对比文件公开了能与系统中其他设备进行信号交互的智能卡，因此必然具有一智能卡接口，因此当其引用的权利要求15不具备创造性时，该从属权利要求所要求保护的技术方案也不具备专利法第二十二条第三款所规定的创造性。

18. 从属权利要求18对权利要求17作了进一步的限定，其限定部分的附加技术特征同样已被对比文件1中所述的“子智能卡控制用户是否有权解密ECM和访问节目，若用户有权，则对ECM解密，并提取控制字”和“条件访问单元，向多路分离器提供必要的控制字，使加密的广播信号能够被解扰”公开（参见该对比文件的说明书第15栏第20行至第24行，第17栏第18行至第35行），因此在其引用的权利要求17不具备创造性时，该从属权利要求所要求保护的技术方案也不具备专利法第二十二条第三款所规定的创造性。

19. 从属权利要求19对权利要求15作了进一步限定，对比文件1中公开了“具有数字解码器2024、音频解码器2026，视频解码器2028，对从多路分离器输出的解扰后的信号进行解码”（参见对比文件1的说明书第17栏第37行至第54行，附图4），该对比文件公开了具有从多路分离器接收信号的解码器，则必然有解码器模块接口，且其在该对比文件中所起的作用与其在本发明中所起的作用相同，都是用于使解码器与系统内需要与其进行信号交互的设备相连接，因此在其引用的权利要求15不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

20. 从属权利要求20的限定部分的附加技术特征是所述技术领域中的公知常识，通过单一的集成电路模块来构成接收机中的部件，例如广播接收模块或解码器模块，是本领域的惯用手段，在对比文件1公开的内容的基础上结合该公知常识以得到该权利要求所要保护的技术方案，对本领域的技术人员来说是显而易见的，在其引用的权利要求15不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

21. 权利要求21所要求保护的技术方案不具备专利法第二十二条第三款规定的创造性。对比文件1（EP1304871A2）公开了一种数字接收机中处理数据信号的方法，并具体公开了以下技术特征“调谐器2016和调制解调器2012在进行滤波和多路分解前接收和解调来自卫星的信号，所述信号包括加密的EMM、ECM和压缩的节目；从调谐器和调制解调器输出的信号通过多路分离器2010进行滤波和多路分离；该多路分离器包括两个物理多路分离器，每一个都能够设置成对从不同信源接收的信号进行多路分离；条件访问单元向多路分离器提供必要的控制字，使加密的广播信号能够被解扰；数字解码器2024、音频解码器2026，视频解码器2028，对从多路分离器输出的解扰后的信号进行解码”（参见该对比文件的说明书第17栏第5行至第54行，第30栏第54行至第32栏第22行，附图4）。该对比文件中所述的ECM和EMM信息相当于本发明中所述的有